

REMARKS

Claims 1-72 are pending in the subject application.

Applicant has amended claims 25 and 26 so that these claims now depend from claim 24. These changes do not introduce any new matter.

Applicant respectfully requests reconsideration of the rejection of claims 25 and 26 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has corrected the antecedent basis and indefiniteness problems cited by the Examiner by amending claims 25 and 26 so that these claims now depend from claim 24 (instead of claims 19 and 22, respectively). Applicant respectfully submits that claims 25 and 26 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and requests that the rejection of these claims thereunder be withdrawn.

Applicant respectfully requests reconsideration of the rejection of claims 1, 2, 10, 33, 34, 45, 71, and 72 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* (U.S. Patent No. 6,147,772) in view of *Usami* (U.S. Patent No. 5,748,342). As will be explained in more detail below, the combination of *Pritchett* in view of *Usami* does not raise a *prima facie* case of obviousness against the claimed subject matter.

The *Pritchett* reference discloses a system for converting a color from a first color space to a second color space through the use of an extended second color space. The *Pritchett* reference, however, does not disclose whether or not out of gamut information for the second color space is to be used (as acknowledged by the Examiner (see the Office Action at page 3)).

The *Usami* reference discloses a technique for choosing between performance and nonperformance of color space compression of an input image. In other words, *Usami's* technique is premised on color space compression. In contrast, the *Pritchett* reference denies color space compression. As such, with regard to color space compression, the *Usami*

reference is incompatible with the *Pritchett* reference. Consequently, there would not have been any motivation for one having ordinary skill in the art to combine the teachings of the *Pritchett* and *Usami* references in the manner proposed by the Examiner.

Further, assuming for the sake of argument that the *Pritchett* and *Usami* references may be properly combined (a proposition with which Applicant disagrees), the *Usami* reference does not disclose a configuration that determines whether or not out of gamut information for a predetermined color space is to be used. The *Usami* reference discloses only the displaying of an input image and two different versions of the input image, one with color space compression performed thereon and the other without color space compression on a monitor screen. From the description in the *Usami* reference, it is unclear how an input image differs from an image without color space compression; however, considering the flowchart illustrated in Figure 6, they appear to be different because masking processing is performed on one of the images.

In summary, one having ordinary skill in the art would not have been motivated to combine the *Pritchett* and *Usami* references in the manner proposed by the Examiner because these reference are incompatible with regard to color space compression. Furthermore, even if the *Pritchett* and *Usami* references are combined in the manner proposed by the Examiner (a proposition with which Applicant disagrees), neither reference discloses nor suggests the claimed use information associated with the image data, where the use information is indicative of whether or not out of gamut information for a predetermined color space is to be used. Thus, for at least the foregoing reasons, the combination of the *Pritchett* and *Usami* references does not raise a *prima facie* case of obviousness against the claimed subject matter.

Accordingly, claims 1, 2, 10, 33, 34, 45, 71, and 72 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett* in view of *Usami*.

Applicant respectfully requests reconsideration of the rejection of claims 3, 7, 19-22, 27-29, 32, 35-38, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Roberts* (U.S. Patent No. US 6,758,574 B1). Each of claims 3, 7, 19-22, 27-29, 32, 35-38, and 44 specifies the claimed concept discussed above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, which concept is to determine whether or not out of gamut information for a predetermined color space is to be used. The *Roberts* reference does not cure the above-discussed deficiencies of the combination of the *Pritchett* and *Usami* references relative to the claimed subject matter. Accordingly, claims 3, 7, 19-22, 27-29, 32, 35-38, and 44 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Roberts* for at least the same reasons set forth above in connection with the obviousness rejection of claim 1. Further, regarding claim 9, none of the *Pritchett*, *Usami*, and *Roberts* references discloses or suggests using different gamma correction values for two pieces of image data that respectively contain positive color representation values and negative color representation values.

Applicant respectfully requests reconsideration of the rejection of claims 4-6, 8, 9, 11, 12, 39-41, 43, and 46-48 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Ito* (U.S. Patent No. 6,108,443). Each of claims 4-6, 8, 9, 11, 12, 39-41, 43, and 46-48 specifies the claimed concept discussed above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, which concept is to determine whether or not out of gamut information for a predetermined color space is to be used. The *Ito* reference does not cure the above-discussed deficiencies of the combination of the *Pritchett* and *Usami* references relative to the claimed subject matter. Accordingly, claims 4-6, 8, 9, 11, 12, 39-41, 43, and 46-48 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett* in view of *Usami* as

applied against claim 1, and further in view of *Ito* for at least the same reasons set forth above in connection with the obviousness rejection of claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 13-15, 49, and 59-62 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the combination of *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Watanabe* (U.S. Patent No. 5,528,293). Each of claims 13-15, 49, and 59-62 specifies the claimed concept discussed above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, which concept is to determine whether or not out of gamut information for a predetermined color space is to be used. The *Watanabe* reference does not cure the above-discussed deficiencies of the combination of the *Pritchett* and *Usami* references relative to the claimed subject matter. Accordingly, claims 13-15, 49, and 59-62 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Watanabe* for at least the same reasons set forth above in connection with the obviousness rejection of claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 16, 63, and 64 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, and *Watanabe* as applied against claim 13, and further in view of *Parulski et al.* (U.S. Patent No. US 6,812,961 B1). Each of claims 16, 63, and 64 specifies the claimed concept discussed above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, which concept is to determine whether or not out of gamut information for a predetermined color space is to be used. The *Parulski et al.* reference does not cure the above-discussed deficiencies of the combination of the *Pritchett*, *Usami*, and *Watanabe* references relative to the claimed subject matter. Accordingly, claims 16, 63, and 64 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett*, *Usami*, and *Watanabe*

as applied against claim 13, and further in view of *Parulski et al.* for at least the same reasons set forth above in connection with the obviousness rejection of claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 50-53 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett, Usami*, and *Roberts* as applied against claim 3, and further in view of *Watanabe*. None of the *Pritchett, Usami, Roberts*, and *Watanabe* references discloses or suggests the claimed concept of determining whether or not out of gamut information for a predetermined color space is to be used. Accordingly, for at least the same reasons set forth above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, claims 50-53 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett, Usami, Roberts*, and *Watanabe*.

Applicant respectfully requests reconsideration of the rejection of claims 17, 18, 54-56, 58, and 65-70 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett, Usami*, and *Ito* as applied against claim 4, and further in view of *Watanabe*. None of the *Pritchett, Usami, Ito*, and *Watanabe* references discloses or suggests the claimed concept of determining whether or not out of gamut information for a predetermined color space is to be used. Accordingly, for at least the same reasons set forth above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, claims 17, 18, 54-56, 58, and 65-70 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett, Usami, Ito*, and *Watanabe*.

Applicant respectfully requests reconsideration of the rejection of claim 57 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett, Usami, Roberts*, and *Watanabe* as applied against claim 50, and further in view of *Ito*. None of the *Pritchett, Usami, Roberts, Watanabe*, and *Ito* references discloses or suggests the claimed concept of determining whether or not out of gamut information for a predetermined color space is to be

used. Accordingly, for at least the same reasons set forth above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, claim 57 is patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett*, *Usami*, *Roberts*, *Watanabe* and *Ito*.

Applicant respectfully requests reconsideration of the rejection of claims 24-26 and 31 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, and *Roberts*, as applied against claim 3, and further in view of *Ito*. None of the *Pritchett*, *Usami*, *Roberts*, and *Ito* references discloses or suggests the claimed concept of determining whether or not out of gamut information for a predetermined color space is to be used. Accordingly, for at least the same reasons set forth above in connection with the obviousness rejection based on the *Pritchett* and *Usami* references, claims 24-26 and 31 are patentable under 35 U.S.C. § 103(a) over the combination of *Pritchett*, *Usami*, *Roberts*, and *Ito*. Further, regarding claim 24, none of the *Pritchett*, *Usami*, *Roberts*, and *Ito* references discloses or suggests using different gamma correction values for two pieces of image data that respectively contain positive color representation values and negative color representation values.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-72, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any fees are due in connection

U.S. Application No. 09/974,906
Amendment dated June 21, 2006
Response to Office Action dated March 21, 2006

with the filing of this paper, then the Commissioner is authorized to charge such fees to
Deposit Account No. 50-0805 (Order No. MIPFP004).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in black ink, appearing to read 'P. B. Martine', with a long horizontal stroke extending to the right.

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